

§ 0.467 Search and review fees.

(a)(1) Subject to the provisions of this section, an hourly fee shall be charged for recovery of the full, allowable direct costs of searching for and reviewing records requested under § 0.460(e) or § 0.461, unless such fees are precluded or waived pursuant to § 0.470. The fee is based on the grade level of the employee(s) who conducts the search, as specified in the following schedule:

Grade	Hourly fee
GS-1	8.84
GS-2	9.62
GS-3	10.85
GS-4	12.18
GS-5	13.62
GS-6	15.09
GS-7	16.87
GS-8	18.70
GS-9	20.64
GS-10	22.74
GS-11	24.98
GS-12	29.94
GS-13	35.60
GS-14	42.07
GS-15	49.49

NOTE: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a)(1) of this section were computed at step 5 of each grade level based on the General Schedule effective January 1997 and include 20 percent for personnel benefits.

(b) Search fees may be assessed for time spent searching, even if the Commission fails to locate the records or if the records are determined to be exempt from disclosure.

(c) The Commission shall charge only for the initial review, i.e., the review undertaken initially when the Commission analyzes the applicability of a specific exemption to a particular record. The Commission shall not charge for review at the appeal level of an exemption already applied. However, records or portions of records withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs of such a subsequent review, under these circumstances, are properly assessable.

(d) The fee charged will not exceed an amount based on the time typically re-

quired to locate records of the kind requested.

(e) If the Commission estimates that search charges are likely to exceed \$25 or the amount which the requester indicated he/she is prepared to pay, then it shall notify the requester of the estimated amount of fees. Such a notice shall offer the requester the opportunity to confer with Commission personnel with the object of revising or clarifying the request.

(f) When the search has been completed, the custodian of the records will give notice of the charges incurred to the person who made the request.

(g) The fee shall be paid to the Financial Management Division, Office of Managing Director, or as otherwise directed by the Commission.

(h) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional charges may be imposed for again producing them.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 47 CFR 0.231(d))

[40 FR 7316, Feb. 19, 1975, as amended at 45 FR 85028, Dec. 24, 1980; 49 FR 13368, Apr. 4, 1984. Redesignated and amended at 53 FR 39093, Oct. 5, 1988; 59 FR 21946, Apr. 27, 1994; 60 FR 30002, June 7, 1995; 61 FR 14500, Apr. 2, 1996; 62 FR 42929, Aug. 11, 1997]

§ 0.468 Interest.

Interest shall be charged those requesters who fail to pay the fees charged. The agency will begin assessing interest charges on the amount billed starting on the 31st day following the day on which the billing was sent. The date on which the payment is received by the agency will determine whether and how much interest is due. The interest shall be set at the rate prescribed in 31 U.S.C. 3717.

[53 FR 39094, Oct. 5, 1988]

§ 0.469 Advance payments.

(a)(1) The Commission may not require advance payment of estimated FOIA fees except as provided in subsection (a)(2) or where the Commission estimates or determines that allowable charges that a requester may be required to pay are likely to exceed